

FILED
HARRISBURG, PA

APR - 3 2008

MARY E. D'ANDREA, CLERK
Per [Signature]
Deputy Clerk

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,

PLAINTIFF,

V.

DWAYNE LEROY WATKINS,

DEFENDANT.

DOCKET NO.: 1:CR-01-091-001

MOTION FOR RE-SENTENCING
PURSUANT TO 18 U.S.C. §3582(c)(2)

NOW COMES, the defendant, Dwayne Leroy Watkins, pro se for the purpose of the instant motion, to beg that this Honorable Court grant the relief herein sought, and/or whatever such relief as it deems just and appropriate.

Defendant maintains that, pursuant to 18 U.S.C. §3582(c)(2), and (c)(1)(A), relative to 18 U.S.C. §3553(a), this Honorable Court has the authority to exercise its discretion in the instant motion for relief.

FURTHER, whereas the U.S. Sentencing Commission, at its December 11, 2007, hearing, moved to make retroactive its earlier, November 1, 2007, amendment to its "crack cocaine" sentencing policy within the scope and framework of the Sentencing Guidelines, defendant begs that this Honorable Court move to grant the relief sought herein by applying the revised and appropriate level for the crime in which he has been convicted of.

Defendant, Dwayne Leroy Watkins, having been sentenced by this Honorable Court, April 19, 2002, to a term of imprisonment of 106 months, with 5-years supervised release, following a plea of guilty to violation of 21 U.S.C. §841(A)(1), Distribution and Possession with Intent to Distribute in Excess of 50 Grams of Cocaine Base,

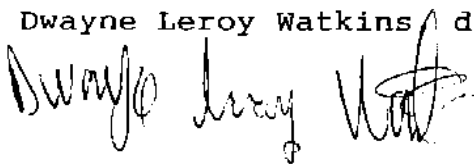
now prays that this Honorable court considers the revised and retroactive sentencing amendments set forth by the U.S. Sentencing Commission, making them applicable to the instant motion for relief insomuch as his sentence of 106 months rests upon a sentencing scheme which, subsequently, has been reduced by two levels resulting in an entirely different period of incarceration.

Defendant also offers for consideration the U.S. Supreme Court's rulings in Kimbrough and Gall, both of which, to some degree, may also serve to aid the Court in its consideration and application of the Sentencing Commission's amendment. It is prayed by defendant that this Honorable Court will consider all of the above as well as the fact that, throughout the proceedings and his subsequent incarceration, defendant has been forthright in acceptance of his responsibility, and diligent in all manner indicative of this Court's favorable granting of the relief herein moved for.

WHEREFORE, defendant, Dwayne Leroy Watkins, begs that this Honorable Court review the record and consider the instant Motion for Re-Sentencing Pursuant to 18 U.S.C. §3582(c)(2), and grant the relief herein prayed for, and/or whatever such relief as this Honorable Court deems just and appropriate.

Respectfully submitted,

Dwayne Leroy Watkins defendant.

A handwritten signature in black ink, appearing to read "Dwayne Leroy Watkins", is written over the typed name of the defendant.

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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,

PLAINTIFF,

DOCKET NO.: 1:CR-01-091-001

V.

MOTION FOR ASSIGNMENT OF COUNSEL

DWAYNE LEROY WATKINS,

DEFENDANT.

**AFFIRMATION AND CERTIFICATION IN SUPPORT
OF MOTION FOR ASSIGNMENT OF COUNSEL**

NOW COMES, the defendant, Dwayne Leroy Watkins, to respectfully move this Honorable Court to assign counsel to assist defendant in moving for a Motion for Re-Sentencing Pursuant to 18 U.S.C. §3582(c)(2), for the following:

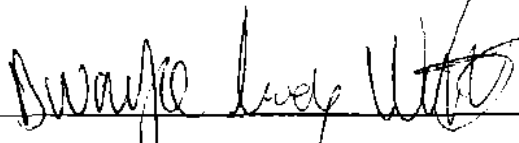
1. Defendant previously has been deemed indigent, and appointed counsel, by this Honorable Court, and submits that his financial condition has only worsened since his incarceration;
2. Defendant is not an attorney, nor is he astute in the law;
3. With the U.S. Supreme Court's rulings in Kimbrough and Gall, giving this Honorable Court jurisdiction and authority to grant further relief, questions arise as to their applicability which necessitates counsel;
4. Clarity is needed with regard to the U.S. Sentencing Commission's amendment and, subsequent, retroactive application of "crack cocaine" sentencing policy; and,

5. To preserve any rights the defendant may have in putting forth a proper and effective argument by which this Honorable Court can infer that adequate and just relief be granted to defendant, exercising its discretion and authority.

WHEREFORE, for the foregoing reasons, defendant, Dwayne Leroy Watkins, prays that this Honorable Court grant the relief herein sought, and/or whatever such relief as it deems just and appropriate.

Pursuant to 28 U.S.C. §1746, defendant, Dwayne Leroy Watkins, hereby certifies and states, under penalty of perjury, that the foregoing is true and correct to the best of his knowledge.

Respectfully submitted,



Dwayne Leroy Watkins,
defendant.

Dated: _____

4/1/08

CERTIFICATE OF SERVICE

I, Dwayne Leroy Watkins, defendant, do hereby certify that on this 1st day of April, 2008, under penalty of perjury, I have deposited into the U.S. Mailbox, located at Federal Correctional Institution Camp, P.O. Box 2000, Fort Dix, New Jersey, 08640, true copies of the instant Motion for Re-Sentencing Pursuant to U.S.C. §3582(c)(2), and Motion for Assignment of Counsel, to be delivered to the following:

The Honorable Judge Kane
U.S. District Court Judge
Middle District of Pennsylvania
Federal Building
228 Walnut Street
Harrisburg, PA 17101

1 copy

Clerk of the Court
U.S. District Court
Middle District of Pennsylvania
Federal Building
228 Walnut Street
Harrisburg, PA 17101

1 copy

U.S. Attorney's Office
Federal Building, 2nd Floor
228 Walnut Street
Harrisburg, PA 17101

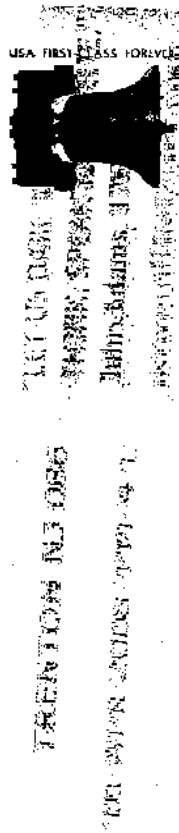
1 copy

Dated: 4/1/08

Dwayne Leroy Watkins

Dwayne Leroy Watkins, defendant.
10631-067
Federal Correctional Institution
Camp/P.O. Box 2000
Fort Dix, NJ 08640

DWAYNE LEROY WATKINS
10631-067
FEDERAL CORRECTIONAL INSTITUTION
CAMP/P.O. BOX 2000
FORT DIX, NJ 08640



CLERK OF THE COURT
U.S DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA
FEDERAL BUILDING
228 WALNUT STREET
HARRISBURG, PA 17101

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